IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9714 of 2004

Between:

Sanchem Sophin Pvt.Ltd., 2-2-58/1, pan Bazar, first floor, Secunderabad. R/o.shantiniketan, Mahendra Hills, Secunderabad.

..... PETITIONER

AND

Employees Provident Fund Organisation, rep.by its Asst.Provident Fund Commissioner Sub Accounts office:H.No.21-48/18, plot No.16-17, Balajinagar, Kukatpalli, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declaring the action of the respondent in directing the petitioner company to pay the amounts due by M/s Rakshak Farm Aids Private Limited as illegal and arbitrary (ii) declare the proceedings No.AP/17865/SAO/KKP/ENF.Z.XI/2004 dated 12-4-2004 directing the petitioner company to pay the Provident Fund dues of M/s. Rakshak Farm Aids Private Limited for the period from June 1999 to September 2002 as illegal and arbitrary and consequently restrain the respondents from recovering the Provident Fund contributions due in respect of M/s.Rakshak Farm Aids Private Limited bearing code No.AP/17865 and pass.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent: MR.R.N.REDDY

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the communication dated 12.04.2004 issued by the respondent, under which the petitioner was asked to pay a sum of Rs.4,72,861/- towards Provident Fund dues for the period from June 1999 to September 2002 relating to M/s Rakshak Farm Aids Private Limited.

2. According to the respondent, the petitioner-firm has taken over M/s Rakshak Farm Aids Private Limited, therefore, the petitioner-firm is liable to pay the Provident Fund dues of the said taken over firm.

3. According to the petitioner except purchasing the property from M/s Rakshak Farm Aids Private Limited there is no other relation with the said firm and the said firm was not taken over by the petitioner-firm, therefore, there is no liability on the part of the petitioner. It is the case of the petitioner that after issuing the said letter dated 12.04.2004 the employees of the respondent are visiting the petitioner-firm and are making demand for the above amount due from M/s Rakshak Farm Aids Private Limited.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

5. As it is only a letter issued by the respondent, the petitioner is directed to make a detailed representation to the respondent. On such representation being filed, the respondent is directed to consider the claim of the petitioner as it is stated that the petitioner did not take over the firm M/s Rakshak Farm Aids Private Limited and if there is any material against the petitioner, the same may be put to it and thereafter pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. Until then, the respondent is directed not to make any demand as to the alleged arrears payable by M/s

Rakshak Farm Aids Private Limited.

6. The writ petition is accordingly disposed of with the above directions. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

18.06.2004
va

One Fair copy to the Hon'ble Sri Justice S. Ananda Reddy (for his lordship's kind perusal)

To
1) Asst. Provident Fund Commissioner Sub Accounts
Employees Provident Fund Organisation,
office:H.No.21-48/18, plot No.16-17, Balajinagar,
Kukatpalli, Hyderabad.
2) 2 CD copies